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Dated: June 1, 2005

Signature:

Richard H. Anderson
(Richard H. Anderson)

Docket No.: 27702/10046A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re Patent Application of:
Stephen O'Rourke et al.

Application No.: 10/616,658

Confirmation No.: 9960

Filed: July 10, 2003

Art Unit: 1711

For: LOW POLARITY DIMERATE AND
TRIMERATE ESTERS AS PLASTICIZERS
FOR ELASTOMERS

Examiner: U. K. Rajguru

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION**

The undersigned, having power of attorney from the Assignee, CPH Innovations Corporation, has executed this document on behalf of petitioner, CPH Innovations Corporation. Petitioner is a Delaware corporation, located at 311 South Wacker Drive, Suite 4700, Chicago, Illinois 60606, and is the owner of 100% interest in the instant application, as shown by the Assignment recorded June 29, 2004, at Reel 104788, Frame 1089. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer of U.S. Patent No. 6,858,664 and of U.S. Patent Application No. 10/360,294. Petitioner is the owner of 100% interest in U.S. Patent No. 6,858,664 as shown by the Assignment recorded on June 29, 2004, at Reel 14788, Frame 0189. Petitioner is also the owner of 100% interest of U.S. Patent Application No. 10/360,294 as shown by the Assignment recorded on June 29, 2004, at Reel 104788, Frame 0189. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,858,664 and

any patent that issues from U.S. Patent Application No. 10/360,294 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of either U.S. Patent No. 6,858,664 or any patent that issues from U.S. Patent Application No. 10/360,294, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,858,664 or any patent that issues from U.S. Patent Application No. 10/360,294: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Enclosed is a check for the Terminal Disclaimer fee (\$65.00). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 13-2855, under Order No. 27702/10046A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereof.

Dated: June 1, 2005

Respectfully submitted,

By 

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